

**UNITED STATES DISTRICT COURT
STATE OF NEW HAMPSHIRE**

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Freda McHugh,
Individually and as Administratrix

Plaintiff

v.

Michael Giannopolo,

Defendant

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Case No.: 1:08-cv-00317-JM

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**MOTION TO CONTINUE HEARING
SCHEDULED FOR DECEMBER 2, 2008**

NOW comes the Plaintiff, Freda McHugh, Individually and as Administratrix, by and through her attorneys, Boynton, Waldron, Doleac & Scott, PA and respectfully moves to continue the hearing scheduled for December 2, 2008, stating in support thereof as follows:

1. The parties in the above-captioned matter have tentatively reached a settlement.
2. The Defendant, Michael Giannopolo, has offered through his motor vehicle insurance company the policy limit of Twenty Thousand Dollars (\$20,000).
3. There is an underinsured/uninsured motorist policy which was in existence at the time of the incident alleged in the writ. This UM carrier has required an asset check be conducted internally prior to providing authority and consent to settle this case for the policy limits.
4. To date, the parties are still negotiating with the UM carrier to obtain the necessary authority and consent to settle at the offered policy limits.
5. The Plaintiff requests a continuance of thirty (30) days for the damages hearing.

6. Due to the relief sought, no separate memorandum of law is necessary.

WHEREFORE, it is respectfully requested that this Court:

- A. Continue the Hearing scheduled for December 2, 2008 at 9:30am; and
- B. Grant all further relief which is just and reasonable.

Respectfully submitted,
Freda McHugh, Individually and as
Administratrix
By her attorneys,
BOYNTON, WALDRON, DOLEAC,
WOODMAN & SCOTT, P.A.

Dated: November 26, 2008

By: /s/ Heather Neville
Heather Neville, Bar #17139
82 Court Street, PO Box 418
Portsmouth, NH 03802-0418
(603) 436-4010

CERTIFICATE OF SERVICE AND FILING

I, Heather Neville, do hereby certify that I have, on this 26th day of November, 2008, caused a copy of this document to be served upon the Defendant, Michael Giannopolo, pro se, by regular mail, postage prepaid as he has not provided the necessary information to serve via electronic filing through ECF.

/s/ Heather Neville
Heather Neville